

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**VINCE ALLEN JAKEMAN,**

Plaintiff,

v.

**KEN BERRY, BEN KEMPKE, JOHN  
DOE, DOUGLAS COUNTY SHERIFF'S  
DEPARTMENT,**

Defendants.

Case No. 6:14-cv-273-AC

**OPINION AND ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge John V. Acosta issued Findings and Recommendation in this case on April 6, 2015. Dkt. 35. Judge Acosta recommended that Defendants' Motion for Summary Judgment (Dkt. 23) be granted because Plaintiff's claims are barred by the statute of limitations. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1)(C). If a party files objections to a magistrate's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, however, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Nor does the Act “preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. And the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.” As no party has made objections, the Court follows the recommendation of the Advisory Committee and reviews Judge Acosta’s Findings and Recommendation for clear error on the face of the record. No such error is apparent.

### **CONCLUSION**

The Court ADOPTS Judge Acosta’s Findings and Recommendation. Dkt. 35. Defendants’ Motion for Summary Judgment is GRANTED and this case is DISMISSED with prejudice.

**IT IS SO ORDERED.**

DATED this 4th day of May, 2015.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge